

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

**FORTY-SEVENTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 27, 2009**

House of Representatives

The House convened at 9 a.m., the Speaker in the Chair.

Roll call showed 59 members present.

Absent and excused – Anderson, Andrus, Block, Durst,
Lake, Loertscher, Pence, Raybould, Shirley, Simpson, Smith(24).
Total – 11.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Keisha Hale, Page.

Approval of Journal

February 27, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND
ADMINISTRATION, report that we have read and approved the
House Journal of the Forty-sixth Legislative Day and recommend
that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by
Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

February 26, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and
am transmitting to the Secretary of State the following House
Bills, to wit:

[H 20](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

OFFICE OF THE GOVERNOR
Boise

February 26, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and
am transmitting to the Secretary of State the following House
Bills, to wit:

[H 22](#), [H 66](#), [H 67](#), and [H 80](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

February 26, 2009

Mr. Speaker:

I transmit herewith enrolled [S 1018](#) and [S 1041](#) for the
signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled
[S 1018](#) and [S 1041](#) and, when so signed, ordered them returned
to the Senate.

February 26, 2009

Mr. Speaker:

I return herewith enrolled [HCR 17](#), [H 85](#), and [H 86](#) which
have been signed by the President.

WOOD, Secretary

Enrolled [HCR 17](#) was referred to the Judiciary, Rules, and
Administration Committee for delivery to the Secretary of State.

Enrolled [H 85](#) and [H 86](#) were referred to the Judiciary, Rules,
and Administration Committee for delivery to the Governor.

February 26, 2009

Mr. Speaker:

I transmit herewith [S 1100](#), [S 1106](#), [S 1111](#), and [S 1117](#) which
have passed the Senate.

WOOD, Secretary

[S 1100](#), [S 1106](#), [S 1111](#), and [S 1117](#) were filed for first
reading.

Report of Standing Committees

February 27, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND
ADMINISTRATION, report that we have printed [H 201](#).

CLARK, Chairman

[H 201](#) was referred to the State Affairs Committee.

February 26, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND
ADMINISTRATION, report that we have transmitted enrolled

[HJM 2](#) to the Secretary of State at 12:58 p.m., as of this date, February 26, 2009.

CLARK, Chairman

February 26, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 9](#), [H 18](#), [H 28](#), and [H 1](#) to the Governor at 1 p.m., as of this date, February 26, 2009.

CLARK, Chairman

February 26, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 194](#) and [H 185](#) and recommend that they do pass.

LOERTSCHER, Chairman

[H 194](#) and [H 185](#) were filed for second reading.

February 26, 2009

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 160](#) and recommend that it do pass.

LAKE, Chairman

[H 160](#) was filed for second reading.

February 26, 2009

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [S 1052](#) and recommend that it do pass.

TRAIL, Chairman

[S 1052](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that the following persons be approved as attaches to serve the House of Representatives for and during the First Regular Session of the Sixtieth Idaho Legislature. Seconded by Mr. Rusche.

Pages:

Anna Richter
Taleesha Willie
Keisha Hale
Spencer Powell
Andres Figueroa
Breana Rojas

Philip Alexander
Brigham Duncan
Kristina Bassine
Gregorio Hernandez
Rachel Cueller

Whereupon the Speaker declared the motion carried by voice vote and administered the oath of office to the above named attaches.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 202 BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE STATE FIRE MARSHAL; AMENDING SECTION 41-253, IDAHO CODE, TO PROVIDE FOR STRUCTURES, TO REVISE A REFERENCE, TO PROVIDE FOR ADOPTION OF LATER EDITIONS OF THE INTERNATIONAL FIRE CODE BY THE LEGISLATURE, TO REVISE APPLICABILITY PROVISIONS AND TO PROVIDE FOR ENFORCEMENT ACTIONS BY ASSISTANTS RELATING TO SPECIFIED PROPERTY; AMENDING CHAPTER 2, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-253A, IDAHO CODE, TO PROVIDE ELIGIBILITY REQUIREMENTS FOR THE STATE FIRE MARSHAL; AMENDING SECTION 41-254, IDAHO CODE, TO PROVIDE THAT THE STATE FIRE MARSHAL SHALL HAVE CERTAIN POWERS AND DUTIES OVER BUILDINGS, STRUCTURES AND PREMISES OWNED OR LEASED BY THE STATE OR ITS POLITICAL SUBDIVISIONS AND TO DELETE CERTAIN POWERS AND DUTIES; AMENDING SECTION 41-255, IDAHO CODE, TO PROVIDE THAT THE STATE FIRE MARSHAL SHALL TRANSMIT SPECIFIED ANNUAL REPORTS TO THE GOVERNOR AND LEGISLATURE; AND AMENDING SECTION 41-259, IDAHO CODE, TO REVISE INSPECTION PROVISIONS AND TO PROVIDE THAT COUNTIES AND CITIES MAY CONTRACT WITH THE STATE FIRE MARSHAL TO PROVIDE INSPECTIONS.

HOUSE BILL NO. 203 BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO TAXATION OF RENEWABLE ENERGY PROJECTS; AMENDING SECTION 63-602JJ, IDAHO CODE, TO PROVIDE THAT CERTAIN PROPERTY OF A PRODUCER OF ELECTRICITY BY MEANS OF RENEWABLE ENERGY IS EXEMPT FROM TAXATION AND TO DEFINE "RENEWABLE ENERGY"; AMENDING SECTION 63-3501, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 63-3502B, IDAHO CODE, TO PROVIDE FOR LEVY OF A TAX ON RENEWABLE ENERGY ELECTRICAL PRODUCTION; AMENDING SECTION 63-3503B, IDAHO CODE, TO PROVIDE FOR FILING OPERATORS' STATEMENTS AND THE ALLOTMENT AND APPORTIONMENT OF TAX DUE FROM PRODUCERS OF ELECTRICITY BY MEANS OF RENEWABLE ENERGY BY THE STATE TAX COMMISSION; AMENDING SECTION 63-3504, IDAHO CODE, TO PROVIDE REFERENCES TO A PRODUCER OF ELECTRICITY BY MEANS OF RENEWABLE ENERGY; AMENDING SECTION 63-3505, IDAHO CODE, TO PROVIDE REFERENCE TO A PRODUCER OF ELECTRICITY BY MEANS OF RENEWABLE ENERGY; AMENDING SECTION 63-3506, IDAHO CODE, TO PROVIDE REFERENCE TO A PRODUCER OF ELECTRICITY BY MEANS OF RENEWABLE ENERGY; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 204 BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3029, IDAHO CODE, TO PROVIDE THAT

RESIDENT TRUSTS CAN CLAIM A CREDIT FOR TAXES PAID TO ANOTHER STATE AND TO REVISE PROCEDURES FOR TAXATION OF AN ESTATE OR TRUST; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING FURTHER APPLICATION TO PROCEEDINGS.

HOUSE BILL NO. 205
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO ELECTION OF HIGHWAY DISTRICT COMMISSIONERS; AMENDING CHAPTER 13, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-1305B, IDAHO CODE, TO PROVIDE PROCEDURES IN ANY ELECTION FOR A HIGHWAY DISTRICT COMMISSIONER IF THERE IS ONLY ONE QUALIFIED CANDIDATE NOMINATED.

HOUSE BILL NO. 206
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO HIGHWAY DISTRICT COMMISSIONERS; AMENDING SECTION 40-1325, IDAHO CODE, TO PROVIDE THAT HIGHWAY DISTRICT COMMISSIONERS SHALL, PRIOR TO CERTIFYING A PROPERTY TAX LEVY TO THE COMMISSIONERS AND A COUNTY ASSESSOR, ADOPT A BUDGET AND CAUSE A PUBLIC HEARING TO BE HELD ON THE BUDGET AND TO PROVIDE CORRECT TERMINOLOGY; AND REPEALING SECTION 40-1329, IDAHO CODE, RELATING TO COMPLETION AND FINALIZATION OF A BUDGET.

HOUSE BILL NO. 207
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO MISCELLANEOUS PROVISIONS REGARDING HIGHWAYS AND BRIDGES; AMENDING SECTION 40-2301, IDAHO CODE, TO PROVIDE THAT AGENTS AND EMPLOYEES OF THE TRANSPORTATION BOARD, COUNTY COMMISSIONERS AND HIGHWAY DISTRICT COMMISSIONERS SHALL HAVE THE RIGHT TO ENTER UPON ANY LAND TO MAKE SURVEYS, ENVIRONMENTAL ASSESSMENTS, RELOCATION ASSESSMENTS, OR APPRAISALS OF SUCH LANDS.

HOUSE BILL NO. 208
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING CHAPTER 6, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-602PP, IDAHO CODE, TO PROVIDE THAT A RENEWABLE ENERGY DEVICE ATTACHED TO RESIDENTIAL PROPERTY SHALL BE EXEMPT FROM TAXATION, TO DEFINE TERMS, TO PROVIDE FOR A LIMITED SUNSET DATE, TO PROVIDE THAT THE EXEMPTION IS NECESSARY AND JUST, AND TO PROVIDE AN EXCEPTION TO THE LIMITED SUNSET DATE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 209
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO EXEMPTIONS FROM PROPERTY TAXATION; AMENDING CHAPTER 6, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-602OO, IDAHO CODE, TO PROVIDE THAT CERTAIN ENERGY PROPERTY SHALL BE EXEMPT FROM TAXATION, TO PROVIDE APPLICATION IF THE PROPERTY IS EXEMPT FROM TAXATION BY OTHER LAW, TO PROVIDE APPLICATION, TO PROVIDE THAT THE EXEMPTION IS NECESSARY AND JUST, TO PROVIDE A SUNSET DATE AND TO PROVIDE AN EXCEPTION TO THIS SUNSET DATE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

[H 202](#), [H 203](#), [H 204](#), [H 205](#), [H 206](#), [H 207](#), [H 208](#), and [H 209](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1100](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

[S 1106](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

[S 1111](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

[S 1117](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[HCR 18](#) and [HJM 1](#), by Resources and Conservation Committee, were read the second time by title and filed for third reading.

[H 41](#), [H 42](#), [H 75](#), [H 108](#), and [H 192](#), by Business Committee, were read the second time by title and filed for third reading.

[H 87](#), [H 103](#), [H 104](#), and [H 105](#), by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, March 2, 2009. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Monday, March 2, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at
9:27 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk